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11/992,554	03/25/2008	Dirk Simon Hendrikus Van Horsen	F7857USw	9100

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UNILEVER PATENT GROUP  
800 SYLVAN AVENUE  
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EXAMINER
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LEBLANC, KATHERINE DEGUIRE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* DIRK SIMON HENDRIKUS VAN HORSEN,  
HINDRIK HUIZINGA,  
and CORNELIS LAURENTIUS SASSEN

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Appeal 2014-004129  
Application 11/992,554  
Technology Center 1700

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Before ROMULO H. DELMENDO, JEFFREY T. SMITH, and  
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

STATEMENT OF THE CASE

Appellants timely request<sup>1</sup> reconsideration of our Decision<sup>2</sup> affirming the 35 U.S.C. § 103(a) rejections of claims 1–20.

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<sup>1</sup> Request for Rehearing filed May 23, 2016 (“Request”).

<sup>2</sup> Decision on Appeal mailed March 22, 2016 (cited henceforth as “Op.”).

Appellants argue the sustained rejection is premised on hindsight because the claimed hardstock fats are intended for spreads but Brug is directed to a different product, specifically boullion cubes. (Request 2–3). Appellants also argue that “[i]t is not seen how a teaching of a fat for a different purpose with a broad range, even one which is so broad as to encompass the recited range, would lead one of ordinary skill to the recited hardstock fat and spreads.” (Request 2–3).

Appellants’ arguments regarding the breadth of the teachings of Brug were considered in the decision. (Op. 3–4).

The subject matter on appeal is directed to a hardstock fat composition (claim 1) or margarine fat (claim 17). Appellants’ arguments regarding the intended use of the hardstock fat composition or margarine fat as part of spreads are not persuasive of patentability. A person of ordinary skill in the art would have sufficient skill to select the appropriate amount of fat (triglyceride) to be incorporated into various food products. As stated in the decision, a person of ordinary skill in the art would have recognized that hardstock fats/triglycerides were suitable for use in margarine or spread. This is supported by the references cited in the present record. (Op. 5). Appellants failed to direct us to evidence that Brug’s fat compositions cannot be formulated as part of spreads.

## CONCLUSION

Based on the foregoing, Appellants’ Request is granted to the extent that we have reconsidered our Decision, but is denied with respect to making changes to the final disposition of the rejections therein.

Appeal 2014-004129  
Application 11/992,554

This Decision on the Request for Rehearing incorporates our Decision, mailed March 22, 2016, and is final for the purposes of judicial review. *See* 37 C.F.R. § 41.52(a)(1).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

DENIED